

SENTENCE REVIEW DIVISION OF THE SUPREME COURT OF MONTANA  
Montana Eleventh Judicial District Court, County of Flathead

STATE OF MONTANA,	)	
	)	
Plaintiff,	)	
	)	CAUSE NO. DC-15-441
-vs-	)	
	)	DECISION
MATTHEW EARL MOORE,	)	
	)	
Defendant.	)	

On January 19, 2017, the Defendant was sentenced to the Montana State Prison for a period of fifteen (15) years with no time suspended for Count I: Assault with a Weapon, a felony, in violation of §45-5-213(1)(a), MCA. For Count III: Tampering with or Fabricating Physical Evidence, a felony, in violation of §45-7-207(1)(a), the Defendant was sentenced to the Montana State Prison for a period of five (5) years with no time suspended. The Defendant's suspended sentence in DC-09-072 was revoked and he was sentenced to the Montana State Prison for three (3) years. All three sentences were ordered to run concurrently. The conditions previously ordered in the prior Judgments were re-imposed. The Defendant was ordered to pay court fees in the amount of \$410 and restitution in the amount of \$1,916.87. The Defendant was given credit for 236 days time served.

On May 4, 2017, the Defendant's Application for review of that sentence was heard by the Sentence Review Division of the Montana Supreme Court (hereafter "the Division").

The Defendant appeared by Vision Net from the Crossroads Correctional Center and was represented by Brent Getty of the Office of the State Public Defender. The State was not represented.

Before hearing the Application, the Defendant was advised that the Division has the authority not only to reduce the sentence or affirm it, but also increase it. The Defendant was further advised that there is no appeal from a decision of the Division. The Defendant acknowledged that he understood this and stated that he wished to proceed.

Rule 12, Rules of the Sentence Review Division of the Supreme Court of Montana, provides that, "The sentence imposed by the District Court is presumed correct. The sentence shall not be reduced or increased unless it is clearly inadequate or clearly excessive." (Section 46-18-904(3), MCA).

The Division finds that the reasons advanced for modification are insufficient to hold that the sentence imposed by the District Court is clearly inadequate or clearly excessive.

Therefore, it is the unanimous decision of the Division that the sentence is **AFFIRMED**.

Done in open Court this 4<sup>th</sup> day of May, 2017.

DATED this 31 day of May, 2017.

SENTENCE REVIEW DIVISION



Hon. Brad Newman, Chairperson




Hon. Kathy Seeley, Member



Hon. Brenda Gilbert, Member

Copies mailed this 2nd day  
of June, 2017, to:

Clerk of District Court (Original)  
Matthew Earl Moore #29294, Defendant (2)  
Hon. Amy Eddy  
Brent Getty, Defense Counsel  
Andrew Clegg, Esq.  
Board of Pardons and Parole  
MSP - Records Dept.

  
Georgia Lovelady, Judicial Assistant  
Sentence Review Division